

Andover Conservation Commission Meeting Minutes
August 2, 2011

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:48pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Fran Fink, and Commissioner Floyd Greenwood. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

246 South Main Street

Present in Interest: Susan Kwon

Staff Recommendation: Approve as Pos.2B, and Neg.3 with conditions.

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed replacement of an existing deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The project consists of replacing a rotting deck with a deck of the same shape in the same footprint. The applicant is seeking a waiver of engineered plans and has submitted a plot plan showing the old deck and an architect drawing of the new deck. The wetland should be shown at 69 feet on the plan submitted and will be added as a Special Condition. The amount of digging is small and strictly for the new Sona Tubes and there will not be a lot of excavated material. Staff recommends a limit of work be established as opposed to a haybale barrier.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve the Waiver Request and Approve as Pos.2b and Neg. 3 with conditions, it was seconded by Chairman Greenwood and unanimously approved.

440 Lowell Street

Staff recommendation: Continue to September 6, 2011

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a replacement septic system is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

The Applicant has requested a continuance due to Board of Health requirements.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to September 6, 2011, it was seconded by Commissioner Greenwood and unanimously approved.

16 Ivy Lane

Present in Interest: Joel Bryant and Ken Seifert

Staff Recommendation: Approve as Neg.3 with conditions and Neg.6

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a replacement deck is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. The filing is under the WPA only. Waivers have been requested for plan requirements. This is a "Backyard Project". The applicant is seeking to replace an existing deck with a smaller deck on Sona Tubes that is 30 square feet smaller than the existing deck. The deck is 50 feet, more or less, from the BVW based on vegetation. The stream is depicted as intermittent on the USGS map. No erosion control is necessary. Chairman Cooper asked that the distance from the deck to the BVW be shown on the plan submitted.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve the Waiver for engineered plans and Approve as Neg.3 and Neg.6 with the distance to the BVW to be added to the plan. The motion was seconded by Commissioner Greenwood and unanimously approved.

22 Blanchard Street

Staff Recommendation: Approve as Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a replacement septic system is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA only. The failing septic system requires local variances from the Board of Health for replacement of the tank and groundwater separation of the SAS. Wetland flagging WF1 – WF7 is confirmed based on vegetation. Special attention is given to paragraph 3 of the Special Conditions stating "...No work may commence until a copy of the Local Upgrade Approval from the Board of Health is received by the Commission for placement of the septic tank (less than 25 ft. from the bordering vegetated wetland) and soil absorption system to be raised to avoid interfering with the existing ground water table.".

Commissioner Fink questioned is there was a double-walled pipe fitting to further protect from any damage to the wetland. Staff recommended the plan be revised to show 2" Schedule 80 double-walled pipe instead of 2" Schedule 40. Pool pump not to be moved any closer to the wetland.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve as Neg.3 with the additional requirements that the plan be revised to show 2" Schedule 80 double-walled pipe instead of 2" Schedule 40 and pool pump not to be moved any closer to the wetland. The Motion was seconded by Commissioner Driscoll and unanimously approved.

104 Haggetts Pond Road

Staff Recommendation: Withdraw without prejudice

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a trench to install a gas line through a drainage easement is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary informed the Commission that the Applicant has requested to withdraw his application without prejudice.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to withdraw without prejudice, it was seconded by Commissioner Greenwood and unanimously approved.

Bancroft School

15 Bancroft Road

Present in Interest: Joseph O'Brien, Tom Liddy, Janet Bernardo, James Warren, Lorraine Finnegan, Leslie Mann, Todd Jackson, Tom Bouchard, Stan Mann, Rich Crowley, Tom Bosher, Curt Young and Mark Johnson

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of a new 106,486 square foot elementary school including parking, driveways, ball fields, utilities, stormwater management and miscellaneous site improvements.

Mr. Douglas presented this to the Commission. This was continued from June 21, 2011 for purposes of a site visit by Commissioners, peer review and the holding of a special meeting for further presentation of the project. The peer review is completed, site walk was conducted and the Special Meeting was held. The fundamental issues left to discuss are as follows:

1. Commissioner Honea's concern about the success of the replication area;
2. Commissioner Porter's concern about the removal of the trees would result in less transpiration;
3. Should the Commission allow filling of an isolated wetland;
4. Is the proposed Bordering wetland (replication) superior to the to-be filled isolated wetland;
5. Will the wetland replication be successful;
6. Should the third soccer field be moved to the front of the property; and
7. Will the downstream abutters get more or less water with the school in place.

James Warren began the presentation by showing the small changes to the plan to the Commission. Wetland T is the only wetland changed. The dry detention basin now has a 1% sloping bottom per DEP requirements and an under drain. A recharge trench on the side of the ball field now meets the 2 foot separation requirement.

The changes in the Plan are as follows:

1. Re-alignment of utilities and a slight bend in West Knoll Road;
2. The stone dust walkway is removed eliminating the need for grading in the buffer;
3. National Grid duct bank will run under the sidewalk.

Curt Young made a presentation to answer the questions regarding the replication area and its success rate. There will be a berm between the 2 lobes to capture water with the intent to intercept the water coming across and release it slowly to the replication area. The replication area will be twice as large and will function better than the wetland to be filled. It will be connected directly to the BVW and will have a diversity of wetland vegetation. The replication area will also have the ability to store stormwater. The 25 foot non-disturb buffer to be replaced around BVW that currently a meadow/field area. The Commission inquired if funds can be set aside to correct the replication area if necessary. Mr. Young assured the Commission that continuous monitoring will be done to remove any invasive species from that area and he expects a successful replication area. Commissioner Fink inquired about soil testing in the replication area. Soil testing was done and the results showed hydric soils into upland soil conditions.

Janet Bernardo submitted her peer review to the Commission with respect to the storm water management of the project. During the review process, the Applicant adequately addressed all ESS comments that were generated. ESS presented that the project is designed in compliance with the MassDEP Stormwater Handbook and the Town of Andover Stormwater Management and Erosion Control Regulations. Janet also addressed the question of moving the third soccer field to the front of the project. The wetland in the north (front of the property) with the meadow attached is a functioning wetland. It make sense to keep the 3 ball fields together, closer to the low functioning wetland than to cut more trees and fill a functioning wetland and meadow. As for the maintenance of the meadow, it should remain a meadow and be cut only once in the spring and once in the fall. DPW should be made aware of this maintenance place and now allow it to become lawn area. The soccer fields have an underground drainage system that will slowly bring the water into the groundwater and prevent sheet flow. The

system is designed appropriately using the dry detention basin. The additional impervious areas are not significant and do not increase the runoff from the site. The project deals very well with water quality on site.

Tom Liddy from ESS also spoke to the field location. All of the options for field locations were reviewed as well as the yearly reports to the Town and materials to be used. He worked closely with Curt Young to come up with the best possible scenario for field placement. The wetland to be filled is surrounded by West Knoll Road, parking and ball fields. It is low functioning and replication is a better option. Commissioner Fink asked if the field could run North to South. All of the options have been researched and changing the field locations would have much more of an impact.

Todd Jackson addressed the Commission regarding field placement. The current field configuration is based on the stormwater basin in the northern field. He would like to see one field moved to the front of the property and change the third field to be perpendicular to eliminate the filing of the wetland.

Tom Bouchard addressed the Commission regarding the replication area. He believes monitoring will need to be done for many years, not just 1 or 2 to thwart failure. He also wanted to know what means of enforcement exist if the replication area fails. The Conservation Commission will deal with any future enforcement issues.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to August 16, 2011 at 8:15pm for purpose of Commissioner Fink Mullenizing herself, it was seconded by Commissioner Greenwood and unanimously approved.

12 Messina Drive

Present in Interest: Steve Ericksen and Jitendra Goela

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed razing of an existing porch and deck to construct an addition and deck with associated utilities.

Agent Cleary presented this to the Commission. The filing is under the WPA only and fully complies with our setbacks and regulations. This is a "Backyard Project". The site, not the proposed work, abuts the same unnamed perennial stream noted on the USGS map that affects Taylor Cove. The proposed work is 200 feet from the MAHW line. Staff agreed with wetland flagging by vegetation. There will be no change in contours. Staff recommends a variable buffer strip which is conditioned as half the lot exceeds close to 3 times the required non-disturb buffer. A portion of the erosion control shown on the plan is within the 25 foot non-disturb buffer. This has been conditioned in the Order of Conditions to be installed outside of the 25 foot non-disturb buffer. All construction is to be done on existing lawn area. Staff also recommends the Riverfront be put on the plan.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing and issue the Order of Conditions at the next hearing, it was seconded by Commissioner Greenwood and unanimously approved.

ACTION ITEMS:

Haverhill & Lowell Streets

Present in Interest: Andrea Steele

Staff Recommendation: Approve

Vote to accept notification of installation of replacement of natural gas utility lines.

Commissioner Driscoll made a Motion to Approve, it was seconded by Commissioner Greenwood and unanimously approved.

River Street – Victoria Place Subdivision

Present in Interest: Mick Mueck

Staff Recommendation: Still under review

Issuance of Enforcement Order. Commissioner Driscoll made a Motion to continue to August 16, 2011, for staff to confer with Town Counsel; it was seconded by Commissioner Greenwood and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from meeting of June 21, 2011.

5 College Circle

Issuance of a Satisfactory Completion of Work Certificate

6 Regency Ridge

Issuance of a Certificate of Compliance.

Applicant has asked for a continuance to August 16, 2011 to provide an As-Built Plan.

8 Stevens Street

Issuance of a Satisfactory Completion of Work Certificate.

71 Reservation Road

Issuance of a Satisfactory Completion of Work Certificate.

Commissioner Greenwood made a Motion to Approve the Consent Agenda, excluding 6 Regency Ridge, it was seconded by Commissioner Driscoll and approved with Commissioner Fink abstaining.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE

Taylor Cove

Present in Interest: Mick Mueck

Appeal by Taylor Cove Development LLC to DEP requesting a Superseding Order of Conditions. The Appellant claims the Commission denied an extension to Taylor Cove (the Commission denied an extension to Victoria Place); Appellant claims they paid over \$10,000.00 towards Commission's consultants (\$8,000.00 or slightly more for both engineering and environmental consultants); Appellant claims they have answered all issues and comments from Commission's engineering consultant; Appellant claims that the Commission did not issue its denial in 21 days (no meeting was held June 7th nor was the public hearing closed on that date); Appellant claims that regarding the delineation, the Commission rejected the Appellant's accurate information reflecting current conditions in favor of the Commission's environmental consultant; and Appellant claims that the Commission denied "based on incorrect assumption that it is entitled to review and reconsider work and alterations previously approved by it in" Victoria Place.

Foster's Pond Reservation

Proposed construction of a replacement of an existing bridge on Foster's Pond Reservation by John Andon for an Eagle Scout Project.

Continued to August 16, 2011.

Commission Driscoll informed the Commission that land has been set aside for endangered species with respect to the Solar Panel project. The property will be deeded in fee to AVIS. Commissioner Driscoll has written to have land kept open to the public and will send a letter to Natural Heritage requesting the same.

Commissioner Greenwood made a Motion to Approve the letter, it was seconded by Commissioner Driscoll and unanimously approved.

The next meeting will be held at 7:45pm on August 16, 2011.

The meeting was adjourned at 10:02pm by Motion of Commissioner Driscoll, seconded by Commissioner Greenwood and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**